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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS:

GARY PIERCE, Chairman

SANDRA D. KENNEDY

PAUL NEWMAN

BOB STUMP

BRENDA BURNS

IN THE MATTER OF THE APPLICATION
OF THE CITY OF PHOENIX TO CLOSE
EIGHT PUBLIC GRADE CROSSINGS ON
11TH AVENUE BETWEEN APACHE
STREET AND GRANT STREET, IN THE
CITY OF PHOENIX, MARICOPA COUNTY,
ARIZONA, AT DOT NUMBERS 928161M,
025839L, 928160F, 025837X, 936631D,
025835J WEST, 025835J EAST, 025833V

DOCKET NO. RR-02635B-12-0251

**AFFIDAVIT OF BELINDA
CUMMINGS**

BELINDA CUMMINGS, being first duly sworn, certifies and states as follows:

1. My name is Belinda Cummings. I am a Civil Engineer II employed by the City of Phoenix, Street Transportation Department, Design and Construction Management. I have personal knowledge of the information contained in this Affidavit.

2. On July 16, 2012, the City of Phoenix erected signs within 10 feet of each side of the approach to each of the eight public at-grade crossings using the specifications and language dictated by the Procedural Order issued by Administrative Judge Marc Stern on June 20, 2012. The signs are still in place as of this 30th day of August, 2012.

3. The City of Phoenix has no plans to remove the signs before the hearing before the Arizona Corporation Commission on September 27, 2012.

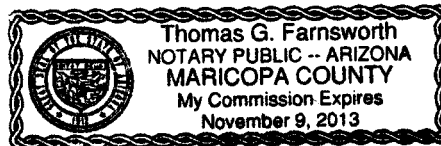
4. Further Affiant sayeth not.

Signed this 30th day of August, 2012.

Belinda Cummings

Belinda Cummings

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)



Sworn to before me this 30th day of August, 2012 by Belinda Cummings

Thomas G. Farnsworth

Notary Public

PUBLIC NOTICE OF THE HEARING IN THE MATTER OF THE APPLICATION OF THE CITY OF PHOENIX TO THE EIGHT PUBLIC AT-GRADE CROSSINGS OF THE BURLINGTON NORTHERN & SANTA FE RAILWAY ON 11TH AVENUE BETWEEN APACHE STREET AND GRANT STREET, IN THE CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA, AT US DOT NUMBERS 928161M, 025839L, 028160F, 025837L, 936631D, 025835I WEST, 025835I EAST, AND 025833V. (DOCKET NO. RR-025350-12-0251)

On June 13, 2012, the City of Phoenix (City) filed with the Arizona Corporation Commission (Commission) an application for approval for the Burlington Northern Santa Fe Railway (BNSF) to cross the public at-grade crossings of the BNSF's tracks on 11th Avenue between Apache Street and Grant Street in Phoenix, Arizona at US DOT NOS. 928161M, 025839L, 028160F, 025837L, 936631D, 025835I West, 025835I East, and 025833V.

The application is available for inspection during regular business hours at the offices of the Commission in Phoenix at 1200 West Washington Street, Phoenix, Arizona, and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on this matter commencing on September 27, 2012, at 10:00 a.m. at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona. Public comment will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to Appellate or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made, if different than the intervenor.

2. A short statement of the proposed intervenor's interest in the proceeding (e.g. customer of BNSF, a neighboring property owner, a crossing user, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to the City or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-001, except that all motions to intervene must be filed on or before August 1, 2012. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's webpage at <http://www.azcc.gov/divisions/utilities/forms/intervent.pdf>. The granting of intervention, and any other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.

If you have any questions about this application, you may contact the applicant's representative, Brenda Cummings at (602) 534-7067. If you wish to file written comments on this application or want further information on intervention, you may write the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, or call (602) 542-4251 or (800) 222-7000 or appear at the hearing and make comment.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, as well as request this document in an alternative format by contacting Shaylin Bernal, ADA's Coordinator, at (602) 542-3931. E-mail: SABernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

Pub: July 19, 2012

AFFIDAVIT OF PUBLICATION

PUBLIC NOTICE / CLOSE EIGHT PUBLIC AT-GRADE

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Arizona Business Gazette

The business resource

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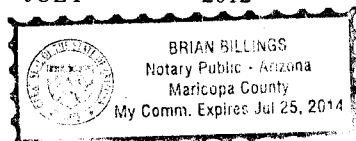
STATE OF ARIZONA
COUNTY OF MARICOPA

} SS.

Manny Vargas, being first duly sworn, upon oath deposes and says: That he is the Legal Ad Rep of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published weekly at Phoenix, Arizona, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates indicated.

7/19/2012

Sworn to before me this
19TH day of
JULY 2012



[Signature of Manny Vargas]

[Signature of Brian Billings]
Notary Public